

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

AMY ONTIVEROS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 10-6071-SSA-CV-SJ-MJW
	)	
MICHAEL J. ASTRUE, Commissioner,	)	
Social Security Administration,	)	
	)	
Defendant.	)	

**ORDER**

On July 19, 2011, plaintiff Amy Ontiveros filed a motion for an award of attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. Additionally, plaintiff requested reimbursement of the filing fee in the amount of \$350.00. The Commissioner has responded to the pending motion and does not oppose the amounts requested.

Under the EAJA, a prevailing party in an action brought against the United States shall be awarded attorney fees unless the position of the United States was "substantially justified" or special circumstances make an award unjust. 28 U.S.C. § 2412(d)(1)(a). Plaintiff was a prevailing party in this action, an award is appropriate, and the amount of fees requested is reasonable.

THEREFORE, IT IS ORDERED that plaintiff's motion of July 19, 2011, for an award of attorney fees under the EAJA in the amount of \$4,798.80, with the check to be made payable to claimant's counsel, Daniel A. Parmele, is granted. [15] It is further

ORDERED that plaintiff's request for reimbursement of the filing fee of \$350.00 is granted, to be paid from the Judgment Fund administered by the Department of the Treasury.

Dated this 4<sup>th</sup> day of August, 2011, at Jefferson City, Missouri.

/s/ *Matt J. Whitworth*

MATT J. WHITWORTH  
United States Magistrate Judge